

OFFICIAL FILE

ILLINOIS COMMERCE COMMISSION

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**THE DEPARTMENT OF TRANSPORTATION)
OF THE STATE OF ILLINOIS, for and in)
behalf of the People of the State of Illinois,)**

Petitioner,)

vs.)

ILLINOIS POWER COMPANY,)

Respondent.)

ILLINOIS
COMMERCE COMMISSION
SEP 28 2 52 PM '01
CHIEF CLERK'S OFFICE

No. 01-0626

(Parcel 8236056)

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner proposes to construct FAP Route 310, a State highway to be under the control and jurisdiction of Petitioner, in Madison County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibit "A" attached hereto and incorporated by this reference, are required as a part of Petitioner's proposed construction of a four-lane fully access controlled divided highway in Madison County, Illinois, which will be known as FAP Route 310. FAP Route 310 will be 21 miles

in length and will begin at FAI Route 270 at the northerly terminus of FAI Route 255 and will extend in a northwesterly direction ending at Illinois Route 267 north of Alton, Illinois. The land legally described and attached as Exhibit "A" is located north of Wood River, Illinois, approximately two miles from the intersection of Rhondell Street and Illinois Route 111.

2. Respondent, Illinois Power Company, is a public utility as defined in the Illinois Public Utilities Act (220 ILCS 5/1-101 et seq.), is engaged in the sale of electricity within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

3. The land, rights, and other property described in Exhibit "A" is private property and the Respondent appears to own, have an interest in, or claims to have some interest therein.

4. The Project is a public work, is for public use and constitutes a public purpose, namely the construction of FAP Route 310 in Madison County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a fee simple title to Parcel 8236056, more particularly described in attached Exhibit "A".

5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said land, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent, Illinois Power Company, a fee simple title to Parcel 8236056, more particularly described in Exhibit "A", all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

JAMES E. RYAN, ATTORNEY GENERAL

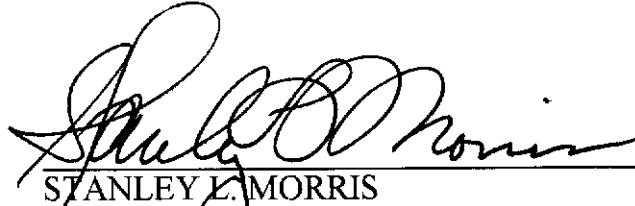
By: 

Stanley L. Morris
Special Assistant Attorney General

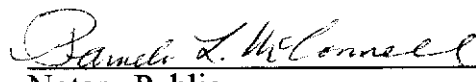
Stanley L. Morris
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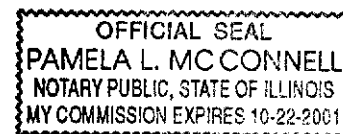
STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.


STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 28th day of September,
2001.


Notary Public



PROOF OF SERVICE

The undersigned certifies that on September 28, 2001, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

Ms. Kathryn L. Patton
Senior Vice President and General counsel
Illinois Power Company
500 South 27th Street
Decatur, IL 62521-2200

Samuel McConnell